

APR 11 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ELMER EDWARD SANBORN,

Defendant - Appellant.

No. 05-10018

D.C. No. CR-94-05290-REC

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Robert E. Coyle, Senior Judge, Presiding

Submitted April 5, 2006^{**}

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Elmer Edward Sanborn appeals pro se from the district court's denial of his petition for writ of error coram nobis challenging his 1995 conviction for disorderly conduct in violation of 36 C.F.R. § 2.34(a)(4). We have jurisdiction

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

pursuant to 28 U.S.C. § 1291. Reviewing de novo, *see Estate of McKinney v. United States*, 71 F.3d 779, 781 (9th Cir. 1995), we affirm.

The writ of error coram nobis provides a remedy to attack a conviction when the petitioner has served his sentence, is no longer in custody, and is suffering from the “lingering collateral consequences of an unconstitutional or unlawful conviction based on errors of fact and egregious legal errors.” *See id.* (internal quotation marks omitted). In order to qualify for coram nobis relief, a petitioner must meet four requirements, one of which is to demonstrate that valid reasons exist for not attacking the conviction earlier. *See id.* Because Sanborn has not shown a valid reason for failing to attack his conviction earlier, we affirm the district court’s denial.

AFFIRMED.